

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #7	CCRB Case #: 201704822	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/15/2017 12:01 AM	Location of Incident: § 87(2)(b) parking lot	Precinct: 75	18 Mo. SOL 12/15/2018	EO SOL 12/15/2018	
Date/Time CV Reported Thu, 06/15/2017 12:02 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/15/2017 12:02 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Morgan	07698	949365	075 PCT
2. POM Bryan Scheblein	26121	955457	075 PCT
3. SGT Stephen Hillmann	05359	941904	075 PCT
4. An officer			075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Scheblein	Abuse: Police Officer Bryan Scheblein stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.POM Kevin Morgan	Abuse: Police Officer Kevin Morgan stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.SGT Stephen Hillmann	Abuse: Sergeant Stephen Hillmann stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D. An officer	Abuse: An officer frisked § 87(2)(b)	§ 87(2)(b)
E.SGT Stephen Hillmann	Abuse: Sergeant Stephen Hillmann frisked § 87(2)(b)	§ 87(2)(b)
F. An officer	Abuse: An officer searched § 87(2)(b)	§ 87(2)(b)
G.SGT Stephen Hillmann	Abuse: Sergeant Stephen Hillmann searched § 87(2)(b)	§ 87(2)(b)
H.SGT Stephen Hillmann	Abuse: Sergeant Stephen Hillmann searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On June 15, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System on behalf of her § 87(2)(b)-old son, § 87(2)(b).

On June 15, 2017, at approximately 12:01 a.m., § 87(2)(b) was in the parking lot of § 87(2)(b) in Brooklyn, when he was pulled over by PO Bryan Scheblein, PO Kevin Morgan and Sgt. Stephen Hillmann of the 75<sup>th</sup> Precinct (**Allegation A, B and C**). During the stop, an unidentified officer and Sgt. Hillmann allegedly frisked § 87(2)(b) (**Allegation D and E**) and searched him (**Allegation F and G**). Additionally, Sgt. Hillmann allegedly searched § 87(2)(b)'s vehicle, including the contents of the trunk (**Allegation H**). § 87(2)(b) was not arrested or issued any summonses as a result of this incident.

Efforts were made to obtain video footage of the incident by the Field Team, with negative results. On August 24, 2017, this case was reassigned from Inv. Liliana Manuel to Inv. Filip Woroniecki following Inv. Manuel's departure from the agency. This case went over the 90-day benchmark due to the case being reassigned and extensive delays incurred from officer scheduling issues.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- § 87(2)(c), § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- As of October 25, 2017, there was no Notice of Claim filed for this complaint (Board Review 03).

### Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one prior CCRB complaint (Board Review 04).
  - § 87(2)(b)  
[REDACTED].
- § 87(2)(b) has not filed any CCRB complaints but has been involved in two prior CCRB cases (Board Review 05).
  - § 87(2)(b)  
[REDACTED]  
[REDACTED]  
[REDACTED]
- PO Scheblein has been a member of the service for four years. He has been the subject of sixteen allegations, stemming from seven prior complaints, two of which have been substantiated. § 87(2)(g)  
[REDACTED] (Board Review 06).
  - In case 201610413, two frisk allegations have been substantiated against PO Scheblein. The CCRB recommended command discipline and the NYPD has not yet reached a disposition.
- PO Morgan has been a member of the service for seven years. He has been the subject of nineteen allegations, stemming from nine prior complaints, two of which have been

substantiated. § 87(2)(g)

(Board Review 07).

- In case 201605124, a frisk and a vehicle stop allegation has been substantiated against PO Morgan. The CCRB recommended formalized training and the NYPD has not yet reached a disposition. § 87(2)(g), § 87(4-b)

- Sgt. Hillmann has been a member of the service for eleven years. He has been the subject of eleven allegations, stemming from two complaints, seven of which have been substantiated. § 87(2)(g)

(Board Review 08).

- In case 201310969, a frisk allegation was substantiated against Sgt. Hillmann. The CCRB recommended charges and the NYPD has not yet reached a disposition. § 87(2)(g), § 87(4-b)
- In case 201610413, six allegations, § 87(2)(g), § 87(4-b), discourtesy, vehicle search and three frisk allegations were substantiated against Sgt. Hillmann. The CCRB recommended command discipline and the NYPD has not yet reached a disposition.

#### Potential Issues

- The investigation did not obtain a statement from the only identified civilian witness in this complaint, § 87(2)(b). Multiple attempts have been made to contact § 87(2)(b) via telephone and mail; however contact with her could not be established.
- Attempts have been made to obtain video footage from Linden Plaza Security, however, the Field Team determined that the cameras located in the parking lot were not functional at the time of the incident and no video recording of the incident was available.

#### Findings and Recommendations

##### Explanation of Subject Officer Identification

- § 87(2)(b) alleged that his vehicle was stopped by two plainclothes officers assigned to an unmarked RMP. The driver of the RMP was described as a heavyset white male, who was in his thirties and 5'9" to 5'10" tall. The only other officer § 87(2)(b) observed in the RMP was described as an average build white male, who was 5'11" tall and in his thirties. Despite § 87(2)(b) identifying only two officers as being involved in the stop of his vehicle, PO Scheblein, Sgt. Hillmann and PO Morgan, who all generally matched the above description (Board Review 9, 10 and 11) confirmed that they pulled over § 87(2)(b)'s vehicle. However, they did not prepare any memo book entries referencing the stop and no other police documents relating to the incident existed (Board Review 23, 24 and 25). Because PO Scheblein, Sgt. Hillmann and PO Morgan all confirmed that they played a role in stopping § 87(2)(b)'s vehicle, the vehicle stop allegations (**Allegation A, B and C**) have been pleaded against them.
- § 87(2)(b) and § 87(2)(b) acknowledged that § 87(2)(b) was frisked by two officers as described above. PO Morgan and PO Scheblein denied observing or participating in the frisk of § 87(2)(b). Sgt. Hillmann acknowledged that § 87(2)(b) was frisked and stated that he "most likely" conducted the frisk, but could not recall whether

another officer also frisked § 87(2)(b). There were also no police documents referencing who conducted the frisk. Since Sgt. Hillmann, the only supervisor on scene, acknowledged likely conducting the frisk, **Allegation E** has been pleaded against him. PO Scheblein and PO Morgan have nearly identical pedigree and both denied frisking § 87(2)(b). Therefore, this subject officer remains unidentified and **Allegation D** has been pleaded against “An officer.”

- § 87(2)(b) alleged that he was searched by the driver of the RMP, and later, by a second officer, who performed the search behind § 87(2)(b)'s vehicle. None of the interviewed officers acknowledged the search and there were no police documents referencing it. Seeing as Sgt. Hillmann acknowledged being the driver of the RMP and most accurately matched the subject officer's description (Board Review 11), **Allegation G** has been pleaded against him. Furthermore, as PO Scheblein and PO Morgan have nearly identical pedigree (Board Review 9, 10) and both acknowledged interacting with § 87(2)(b) behind his vehicle but denied searching him, the subject officer of this allegation remains unidentified. Therefore, **Allegation F** has been pleaded against “An officer.”
- § 87(2)(b) alleged that as he was standing by the back bumper of his truck with one officer, the driver of the RMP searched his vehicle. In his CCRB interview, Sgt. Hillmann confirmed that § 87(2)(b)'s vehicle was “checked” by either him or PO Scheblein. Seeing as Sgt. Hillmann best matched the subject officer's description (Board Review 11), acknowledged that he may have searched the vehicle, and was the only supervisor on scene, **Allegation H** has been pleaded against him.

**Allegation A – Abuse of Authority: Police Officer Bryan Scheblein stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation B – Abuse of Authority: Police Officer Kevin Morgan stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation C – Abuse of Authority: Sergeant Stephen Hillmann stopped the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) was at a gas station with his friends when he observed an unmarked police vehicle in his vicinity. Soon after, he entered a blue Acura truck, which he borrowed from his mother's friend, and drove to § 87(2)(b) in Brooklyn, where he resides. § 87(2)(b) observed the unmarked RMP follow him and when he got to the parking lot of § 87(2)(b) the RMP utilized its emergency lights and pulled him over. § 87(2)(b) did not commit any traffic infractions prior to being pulled over and explained that the vehicle's headlights turned on automatically upon starting the engine. § 87(2)(b) was initially informed that he was stopped because he failed to signal, and later, because his lights were off, both of which he denied (Board Review 12).

§ 87(2)(b) did not observe the stop of § 87(2)(b)'s vehicle (Board Review 13).

While inside of an unmarked RMP, PO Scheblein or his partners observed a white SUV driving without its headlights on. PO Scheblein could not recall who exactly made this observation, but recounted it being dark outside and it being obvious that the vehicle's lights were off. PO Scheblein was also unable to specify when he first observed the SUV, but noted that it was not too far from § 87(2)(b). The RMP followed § 87(2)(b)'s truck to the parking garage of § 87(2)(b) and once inside, the officers utilized their lights and sirens. At the time of the stop, PO Scheblein suspected the driver of the SUV to be under the influence of alcohol, as

people who are intoxicated often forget to turn on their lights. § 87(2)(b) did not drive erratically and did not commit any other traffic infractions (Board Review 14).

While inside of an RMP with PO Scheblein, PO Morgan observed a vehicle, believed to be a white SUV, in motion with no headlights on. The officers followed the SUV for a short amount of time and pulled it over by utilizing the RMP's lights while inside of the § 87(2)(b) parking garage. Other than the vehicle's headlights being off, PO Morgan did not observe § 87(2)(b) commit any other traffic infractions (Board Review 15).

Sgt. Hillmann was inside of an RMP when he observed a blue or green Acura SUV on the intersection of Linden Boulevard and Eldert Lane in Brooklyn. The vehicle was traveling in the direction of the parking lot of § 87(2)(b) and one of its headlights was not working. Sgt. Hillmann personally observed the broken headlight and communicated his observation to PO Scheblein. Once on the top level of the garage, Sgt. Hillmann utilized the RMP's lights and sirens and pulled over § 87(2)(b)'s vehicle (Board Review 16).

It is undisputed that PO Scheblein, PO Morgan and Sgt. Hillmann stopped the vehicle containing § 87(2)(b) and each made observations leading to the stop. § 87(2)(g)

§ 87(2)(b)

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**Allegation D – Abuse of Authority: An officer frisked § 87(2)(b)**

**Allegation E – Abuse of Authority: Sergeant Stephen Hillmann frisked § 87(2)(b)**

**Allegation F – Abuse of Authority: An officer searched § 87(2)(b)**

**Allegation G – Abuse of Authority: Sergeant Stephen Hillmann searched § 87(2)(b)**

Upon being stopped, § 87(2)(b) remained in the vehicle and was instructed to take everything out of his pockets by Sgt. Hillmann. § 87(2)(b) who wore a blue Nike tech sweat suit, removed a scarf, keys, a wallet and two cellphones out of his right pants' pocket and placed them on the dashboard. § 87(2)(b) did not know whether these objects created a bulge. Sgt. Hillmann then instructed § 87(2)(b) to exit the vehicle and to place his hands on the roof of the car. § 87(2)(b) obeyed the command and Sgt. Hillmann patted down his upper body, shook his sweatpants and reached into three of his pants' pockets. At the time, there was nothing inside of § 87(2)(b)'s pockets as all of his property was left on the dashboard. After the search was concluded, § 87(2)(b) was told to wait by the rear bumper of his vehicle. While there, an unidentified officer instructed § 87(2)(b) to cross his legs. He then patted down § 87(2)(b)'s upper body, shook his sweatpants and reached into his pants pockets, all of which were empty (Board Review 12).

§ 87(2)(b) stated that two officers, whom she could not independently describe, patted down § 87(2)(b) behind the Acura truck. Additionally, she observed one of the two officers place his hand inside of § 87(2)(b)'s pockets. Due to her positioning, § 87(2)(b) was unsure whether the officer took anything out of § 87(2)(b)'s pockets and did not know whether § 87(2)(b) was searched by any other officers (Board Review 13).

According to PO Scheblein, upon being pulled over, § 87(2)(b) compliantly stopped his vehicle near the path leading out of the garage. Without shutting off the engine, § 87(2)(b) exited the vehicle and left the front driver's side door fully opened. PO Scheblein initially described that § 87(2)(b) walked toward the officers as he exited the car; however, he later explained that § 87(2)(b) walked away from the officers. PO Scheblein found this behavior suspicious and believed that § 87(2)(b) tried to create space between himself and the car. § 87(2)(f), § 87(2)(a) 160.50, § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Scheblein described § 87(2)(b)'s demeanor as upset, angry and verbally hostile, as he used profanity while speaking to the officers. During the time of the incident, § 87(2)(b) was wearing tight clothing, though PO Scheblein could not recall specifically what exactly he was wearing. It did not look as though § 87(2)(b) was concealing anything in his pockets, or like there was any "weight" in his pockets. Thus, PO Scheblein stated that he had no indication that there was a weapon or contraband on § 87(2)(b)'s person. PO Scheblein did not pat § 87(2)(b) down, reach into his pockets, search him, order him to empty his pockets, or make physical contact with him in any way, and he did not observe another officer do so (Board Review 14).

PO Morgan explained that immediately after being pulled over, § 87(2)(b) exited the vehicle through the front driver's side door, and without closing it, approached the officers. PO Morgan believed that § 87(2)(b) was intentionally separating himself from or abandoning the vehicle. § 87(2)(f), § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

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At the time of the incident, PO Morgan described § 87(2)(b)'s demeanor as compliant but "not too pleased." He then elaborated that § 87(2)(b) cursed and yelled at the officers, though PO Morgan could not recall specific statements. PO Morgan could not recall what § 87(2)(b) was wearing during the incident. § 87(2)(b)

§ 87(2)(b)

PO Morgan did not observe any officer frisk or search § 87(2)(b) instruct him to empty his pockets, or otherwise make physical contact with his clothing (Board Review 15).

According to Sgt. Hillmann, while inside of the vehicle, § 87(2)(b) moved his body from side to side and continuously looked around. Upon being pulled over, § 87(2)(b) stopped the vehicle outside of a designated parking spot and did not turn off the engine. He immediately exited the vehicle, and without closing the driver's door, began walking in the direction of his building. § 87(2)(b) walked about two feet before he observed the officers behind him and stopped. Sgt. Hillmann interpreted this as an attempt to flee the location and explained that § 87(2)(b) successfully ran away from him during a vehicle stop a couple months prior to the incident. § 87(2)(f), § 87(2)(a) 160.50, § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Sgt. Hillmann described § 87(2)(b) as compliant and was unable to further elaborate on his demeanor. Sgt. Hillmann did not remember what § 87(2)(b) was wearing on the day of the incident and whether his clothing created any bulges. Sgt. Hillmann initially stated that there was

nothing indicative of any weapon or contraband on § 87(2)(b)'s person. § 87(2)(f), § 87(2)(b), § 87(2)(a) 160.50  
§ 87(2)(b). Sgt. Hillmann acknowledged the frisk of § 87(2)(b) and stated that either he or PO Scheblein patted down § 87(2)(b)'s waist region and pockets. He was unable to specify which pockets were patted down but confirmed that the frisk yielded negative results. Sgt. Hillmann did not remember if he or another officer patted down § 87(2)(b) a second time. None of the officers inserted their hands inside of any of § 87(2)(b)'s pockets or otherwise searched him and Sgt. Hillmann did not remember if § 87(2)(b) was asked to empty his pockets at any point in the incident (Board Review 16).

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§ 87(2)(b) stated that § 87(2)(b) was searched by an officer, and § 87(2)(b) alleged that he was searched by two officers, whereas all officers denied conducting or witnessing a search. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation H – Abuse of Authority: Sergeant Stephen Hillmann searched the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) alleged that after he was initially approached by the officers, an officer identified via the investigation as Sgt. Hillmann, instructed him to exit his car and to stand by the rear bumper of the vehicle. As § 87(2)(b) approached the rear bumper, where the second officer was standing, he observed Sgt. Hillmann open all of the vehicle's doors and enter it. As § 87(2)(b) was facing away from the vehicle, he did not observe which specific areas of the car were searched. After searching both the front and the back of the vehicle, Sgt. Hillmann instructed § 87(2)(b) to sit back in the car and proceeded to search the trunk. § 87(2)(b) did not have any weapons or contraband inside of the vehicle and nothing was recovered by the officers (Board Review 12).

§ 87(2)(b) was not wholly consistent while describing the search of § 87(2)(b)'s vehicle. While § 87(2)(b) mentioned that approximately eight officers searched § 87(2)(b)'s car during her phone statement, she later alleged that it was in fact six officers who entered and searched the vehicle. Later in her sworn-statement, § 87(2)(b) explained that she observed two officers open the vehicle's side doors and lean inside while four other officers searched its contents. § 87(2)(b) also alleged that the trunk of the vehicle was searched; however, she did not specify how many officers searched it. § 87(2)(b) did not see which specific areas of the car were searched (Board Review 13).

PO Scheblein did not remember if he or another officer opened any of the vehicle's doors. PO Scheblein did not remember if Sgt. Hillmann searched any contents of § 87(2)(b)'s vehicle and denied that he or any other officer searched the trunk (Board Review 14).

PO Morgan did not remember if he or another officer opened any of the vehicle's doors and denied that he or any other officer searched the vehicle. PO Morgan acknowledged that either he or PO Scheblein looked inside of the vehicle through the open door of the car, which was done without breaching the plane of the vehicle (Board Review 15).

Sgt. Hillmann confirmed that the front of § 87(2)(b)'s SUV was "checked" by either him or PO Scheblein. Sgt. Hillmann did not remember whether this "check" consisted of a visual inspection through an already opened door of the vehicle or whether he or PO Scheblein breached the plane of the vehicle. Lastly, Sgt. Hillmann further elaborated that only the area surrounding the front seats was inspected and denied any search of the vehicle's trunk (Board Review 16).

§ 87(2)(g)



§ 87(2)(g)

[illegible]

Squad: 7

Investigator: \_\_\_\_\_ FILIP WORONIECKI \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_ IM TOWNSEND \_\_\_\_\_  
 Title/Signature Print Date

Reviewer: \_\_\_\_\_

Title/Signature                  Print                  Date